

113TH CONGRESS  
2D SESSION

# H. R. 3896

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IN THE SENATE OF THE UNITED STATES

JULY 30, 2014

Received

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## AN ACT

To amend the Longshore and Harbor Workers' Compensation Act to provide a definition of recreational vessel for purposes of such Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Longshore and Harbor  
3 Workers’ Compensation Clarification Act of 2014”.

**4 SEC. 2. DEFINITION OF RECREATIONAL VESSEL.**

5 (a) DEFINITION.—Section 2 of the Longshore and  
6 Harbor Workers’ Compensation Act (33 U.S.C. 902) is  
7 amended—

8 (1) by redesignating paragraph (22) as para-  
9 graph (23); and

10 (2) by inserting after paragraph (21) the fol-  
11 lowing:

12 “(22)(A) The term ‘recreational vessel’ means a  
13 vessel—

14 “(i) being manufactured or operated pri-  
15 marily for pleasure; or

16 “(ii) leased, rented, or chartered to an-  
17 other for the latter’s pleasure.

18 “(B) In applying the definition in subparagraph  
19 (A), the following rules apply:

20 “(i) A vessel being manufactured or built,  
21 or being repaired under warranty by its manu-  
22 facturer or builder, is a recreational vessel if  
23 the vessel appears intended, based on its design  
24 and construction, to be for ultimate recreational  
25 uses. The manufacturer or builder bears the

1           burden of establishing that a vessel is rec-  
2           reational under this standard.

3           “(ii) A vessel being repaired, dismantled  
4           for repair, or dismantled at the end of its life  
5           will be treated as recreational at the time of re-  
6           pair, dismantling for repair, or dismantling,  
7           provided that such vessel shares elements of de-  
8           sign and construction of traditional recreational  
9           vessels and is not normally engaged in a mili-  
10          tary, commercial, or traditionally commercial  
11          undertaking.

12          “(iii) A vessel will be treated as a rec-  
13          reational vessel if it is a public vessel, such as  
14          a vessel owned or chartered and operated by the  
15          United States, or by a State or political subdivi-  
16          sion thereof, at the time of repair, dismantling  
17          for repair, or dismantling, provided that such  
18          vessel shares elements of design and construc-  
19          tion with traditional recreational vessels and is  
20          not normally engaged in a military, commercial,  
21          or traditionally commercial undertaking.”.

22          (b) REGULATIONS.—Not later than 90 days after the  
23          date of enactment of this Act, the Secretary of Labor  
24          shall—

(2) make no further modification to such definition in another regulation or any administrative directive.

Passed the House of Representatives July 29, 2014.

Attest: KAREN L. HAAS,

### Clerk.